

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

OPULENT TREASURES, INC.,

Plaintiff,

v.

**WAYFAIR, LLC., AMALFI DÉCOR,
LLC, SAMPAD ENTERPRISES CO. LTD,
BRIAN WU, MARIA PAPAGEORGE,
TOM WU, TERESA CHANG, AND DOES
1 THROUGH 10,**

Defendants.

Civil Action No.: 6:22-cv-00037-ADA-DTG

**ORDER GRANTING APPLICATION FOR DEFAULT JUDGMENT,
PERMANENT INJUNCTION, AND ASSET RESTRAINT**

Before the Court is a Motion for Default Judgment, Permanent Injunction, for Asset Restraining, and attorney's fees and costs submitted by Plaintiff, Opulent Treasures, Inc. ("Opulent").

Pursuant to Fed. R. Civ. P. 55(b)(1), it appears that judgment by default should be entered against defendants Amalfi Décor, LLC, Sampad Enterprises Co., Ltd, Brian Wu, Maria Papageorge, Tom Wu, and Teresa Chang, (collectively "Defaulting Defendants"), based on the following:

1. Plaintiff has certified to personal jurisdiction and service of process and that the defendants are not infants, incompetent persons, in active military service of the United States of America or its officers or agents.
2. Defendants have not appeared in this action.

3. The clerk's default of the defendants was entered on March 1, 2022 as to Amalfi Décor, LLC, March 11, 2022 as to Brian Wu and Maria Papageorge, and on March 17, 2022 as to Sampad Enterprises Co. Ltd, Tom Wu, and Teresa Chang.

WHEREAS, the Court finds that Opulent will suffer irreparable harm if Defaulting Defendants continue to infringe Opulent's trade dresses, that monetary damages cannot adequately compensate Opulent for the resulting irreparable harm, and that the balance of equities and public interest favor entry of a permanent injunction.

WHEREAS, the Court finds that this is an exceptional case.

DAMAGES AND ENTRY OF DEFAULT

The Court, having considered Opulent's Application and finding good cause, hereby GRANTS the Application and ORDERS as follows:

1. The application of Opulent for a default judgment and permanent injunction is granted;
2. Default judgment is hereby entered against Defaulting Defendants in favor of Opulent on all claims in Plaintiff's Complaint;
3. Plaintiff Opulent Treasures, Inc. is awarded statutory damages in the amount of \$2,000,000 against Amalfi Décor.
4. Plaintiff Opulent Treasures, Inc. is awarded statutory damages in the amount of \$100,000 against each of the defendants Sampad Enterprises Co., Ltd, Brian Wu, Maria Papageorge, Tom Wu, and Teresa Chang.

6. Plaintiff Opulent Treasures, Inc. is awarded its attorney's fees in the amount of \$98,564.00 and costs in the amount of \$3,745.65 against the Defaulting Defendants, jointly and severally.
7. Plaintiff Opulent Treasures, Inc. is awarded pre- and post-judgment interest.
8. Violation of the permanent injunction included in this judgment by the person enjoined herein who receive actual notice of this order shall constitute contempt of Court, and plaintiff shall be entitled to seek recovery of all reasonable costs and attorney's fees expended in bringing a contempt motion.

PERMANENT INJUNCTION

IT IS FURTHER ORDERED THAT:

Defaulting Defendants, their officers, agents, servants, employees, and attorneys, and all persons acting in concert or participation with the foregoing who receive actual notice hereof, are PERMANENTLY ENJOINED pursuant to 15 U.S.C. § 1116 and Federal Rule of Procedure 65(d) from:

- a. Selling, distributing, importing, reselling, advertising, marketing, and promoting, any of Opulent's Designs (pictured in Exhibit 1, hereto) and any other products that are confusingly similar to Opulent's Designs, including the Infringing Designs, (also pictured in Exhibit 1);
- b. Representing Defaulting Defendants' services are in any way sponsored by, approved by, affiliated with, or originated by Opulent;
- c. Representing that Defaulting Defendants are Opulent; and
- d. Otherwise competing unfairly with Opulent or injuring its business reputation in any manner.

IT IS THEREFORE ORDERED that Defaulting Defendants and any entity or individual over which Defaulting Defendants have control which may include affiliated companies, agents, distributors, retailer, or representatives, shall immediately cease and desist from using Opulent's Designs, and any confusingly similar variants thereof.

IT IS THEREFORE FURTHER ORDERED that Defaulting Defendants and any entity or individual over which Defaulting Defendants have control which may include affiliated companies, agents, distributors, retailers, or representatives, are enjoined from any future use of the Opulent's Designs, and any confusingly similar variants thereof in any manner, including advertising, marketing, selling, or rendering any product or service or otherwise using or continuing to use such designs for any purpose.

IT IS THEREFORE FURTHER ORDERED that Defaulting Defendants and any entity or individual over which Defaulting Defendants have control which may include affiliated companies, agents, distributors, retailers, or representatives, are enjoined from making any representation to any person or entity that it/they have authority to use the Opulent's Designs or any design which is confusingly similar to the Opulent's Designs.

IT IS THEREFORE FURTHER ORDERED that Defaulting Defendants and any entity or individual over which Defaulting Defendants have control which may include affiliated companies, agents, distributors, retailers, or representatives, are enjoined from making any representation to any person or entity that it/they or its/their products or services are in any manner associated with, connected to, related to, sponsored by, affiliated with, endorsed by, approved by or recommended by Opulent.

IT IS THEREFORE FURTHER ORDERED that Defaulting Defendants shall use their best efforts to secure and ensure compliance with this Permanent Injunction and Order by any

entity or individual over which Defaulting Defendants have control which may include affiliated companies, agents, distributors, retailers, or representatives.

The Court retains personal jurisdiction over the Parties for purpose of enforcing this Permanent Injunction and Order.

ASSET RESTRAINT

IT IS FURTHER ORDERED THAT:

Defaulting Defendants, their officers, agents, servants, employees, and attorneys, and all persons acting in concert or participation with the foregoing who receive actual notice hereof, are ENJOINED from transferring Defaulting Defendants' assets except in satisfaction of the damages and fee award due to Opulent; and

Third Parties are hereby ORDERED to transfer to Opulent such assets as are necessary to satisfy the monetary award due to Opulent.


Opulent is allowed such writs and processes necessary to enforce and collect this judgment, including the transfer of assets from Amalfi Décor's merchant accounts on third party platforms, including Amazon, eBay, Wayfair, Walmart, and Shopify in partial satisfaction of the aforementioned liabilities.

IT IS SO ORDERED.

SIGNED on March 1, 2023.







U.S. Magistrate Judge

EXHIBIT 1

Row	INFRINGEMENT DESIGNS	OPULENT'S DESIGNS
1	 <p>CS310SG, CS310SR, CS310SS, CS310SC, CS310SW, CS310SPK, CS310STB, CS310SLA, CS310SBL, CS310SLM, CS330SY, CS330SG, CS330SR, CS330SS, CS330SW, CS330SPK, CS330SRED, LED001AW, LED001AG, LED001AS</p>	 <p>Trademark Reg. No.: 5,912,235</p>
2	 <p>CS301VG, CS301VS, CS301VR, CS301VW, CS301VC, CS301VGX, CS301VRX, CS301VSX, CS326VG, CS326VC, CS326VR, CS326VS, CS326VW, CS310SGX, CS310SSX, CS310SRX, CS307AS, CS307AG, CS307AWG, CS307AB, CS307AGX, CS307ASX, CS307ARX, 301/326VG, 301/326VC, 301/326VR, 301/326VS, 301/326VW</p>	 <p>(Ornate trim design) (Base design) Reg No.: 5,912,235</p>

Row	INFRINGING DESIGNS	OPULENT'S DESIGNS
3	 <p data-bbox="365 1081 771 1165">CS309AG, CS309AS, CS331S CS331G, CS331B, CS331W</p>	 <p data-bbox="1079 651 1323 693">(Tabletop design)</p>  <p data-bbox="941 1197 1153 1239">(Base design 1)</p>  <p data-bbox="1209 1197 1421 1239">(Base design 2)</p>
4	 <p data-bbox="251 1806 901 1879">CS311SG, CS311SR, CS311SS, CS311SW, CS311SPK, CS311SGX, CS311SRX, CS311SSX</p>	

Row	INFRINGING DESIGNS	OPULENT'S DESIGNS
5	 <p data-bbox="250 793 899 863">CS308AGX, CS308ARX, CS308ASX, CS308AS, CS308AWG, CS308AG</p>	
6	 <p data-bbox="266 1570 878 1640">CS304VG, CS304VR, CS304VS, CS304VGX, CS304VRX, CS304VSX</p>	 <div data-bbox="938 1220 1463 1724">   </div> <p data-bbox="948 1734 1187 1766">(Structural design)</p> <p data-bbox="1230 1734 1414 1766">(Base design)</p>

Row	INFRINGING DESIGNS	OPULENT'S DESIGNS
7	 <p data-bbox="261 1318 873 1388">CS302MG, CS302MW, CS302MR, CS302MS, CS302MWG</p>	<div data-bbox="938 279 1166 657">  <p data-bbox="943 667 1143 701">(Ornate topper)</p> </div> <div data-bbox="1182 289 1469 657">  <p data-bbox="1203 667 1442 701">(Structural design)</p> </div> <div data-bbox="1036 709 1369 1157">  <p data-bbox="1024 1167 1382 1201">(Scalloped cupcake holders)</p> </div> <div data-bbox="1036 1209 1369 1759">  <p data-bbox="1117 1770 1289 1803">(Base design)</p> </div>

Row	INFRINGING DESIGNS	OPULENT'S DESIGNS
8	 <p data-bbox="423 993 711 1031">CS300MG, CS300MS</p>	 <p data-bbox="1057 720 1349 758">(Candle holder design)</p>  <p data-bbox="943 1157 1455 1194">(Cupcake holder design) (Base design)</p>
9	 <p data-bbox="350 1745 781 1782">CS306AG, CS306AS, CS306AW</p>	

Row	INFRINGING DESIGNS	OPULENT'S DESIGNS
10	 <p data-bbox="256 934 878 1037">CS329G, CS329S, CS329W, CS329R, CS335G, CS335R, CS335S, CS335W, CS334G, CS334R, CS334S, CS334W</p>	
11	 <p data-bbox="272 1575 863 1640">CS316AG, CS316AS, CS316AR, CS316AW, CS316APK</p>	

Row	INFRINGING DESIGNS	OPULENT'S DESIGNS
12	 <p data-bbox="354 611 792 642">CS336VG, CS336VW, CS336VS</p>	
13	 <p data-bbox="256 1083 889 1115">CS332G, CS332S, CS332R, CS332W, CS332PK</p>	
14	 <p data-bbox="293 1713 854 1785">CS328GX, CS328RX, CS328SX, CS328G, CS328R, CS328S, CS328W, CS328RED</p>	




Row	INFRINGEMENT DESIGNS	OPULENT'S DESIGNS
15	 <p data-bbox="248 808 901 882">CS303VG, CS303VS, CS303VR, CS303VC, CS303VW, CS303VGX, CS303VRX, CS303VSX</p>	
16	 <p data-bbox="284 1606 863 1680">CJ35SX, CJ35G, CJ35RG, CJ30RG, CJ30G, CJ30S, CJ25G, CJ25RG, CJ25SX</p>	

Row	INFRINGING DESIGNS	OPULENT'S DESIGNS
17	 <p data-bbox="370 884 774 919">CS323GX, CS32RX, CS323SX</p>	 <p data-bbox="1084 814 1315 850">(Tabletop design)</p>  <p data-bbox="1110 1115 1289 1150">(Base design)</p>
18	 <p data-bbox="248 1633 901 1745">CS313VG, CS313VR, CS313VS, CS312VG, CS312VGX, CS312VR, CS312VRX, CS312VS, CS312VW, CS305VGX, CS305VRX, CS305VSX</p>	  <p data-bbox="1110 1780 1289 1816">(Base design)</p>

Row	INFRINGING DESIGNS	OPULENT'S DESIGNS
19	 <p data-bbox="245 884 902 1024">CS305VG, CS305VR, CS305VS, CS305VW, CS305VC, CS305VY, CS305IW, CS305VITB, CS305VILA, CS305ILA, CS305VIPK, CS305IPK, CS305VRED, CS305IBL, CS305ILM, CS312VR</p>	  <p data-bbox="1110 1178 1289 1209">(Base design)</p>
20	 <p data-bbox="428 1724 716 1755">CD205VG, CD205VS</p>	

Row	INFRINGING DESIGNS	OPULENT'S DESIGNS
21	 <p data-bbox="430 762 716 793">CD208RS, CD208RG</p>	
22	 <p data-bbox="423 1304 722 1335">CD206MG, CD206MS</p>	
23	 <p data-bbox="428 1837 719 1869">CD210VG, CD210VS</p>	

Row	INFRINGING DESIGNS	OPULENT'S DESIGNS
24	 <p data-bbox="386 810 760 842">CD214G, CD214R, CD214S</p>	
25	 <p data-bbox="428 1482 711 1514">CD212VG, CD212VS</p>	  <p data-bbox="1049 1650 1349 1682">(Floral banding design)</p>

Row	INFRINGEMENT DESIGNS	OPULENT'S DESIGNS
26	 <p data-bbox="347 978 797 1010">CD203VG, CD202VS, CD203VW</p>	 <p data-bbox="1057 741 1341 772">(Inverted trim design)</p>  <p data-bbox="1110 1262 1289 1293">(Base design)</p>
27	 <p data-bbox="355 1833 789 1864">CD207SG, CD207SW, CD207SS</p>	 <p data-bbox="971 1812 1430 1843">(Structure and inverted trim design)</p>

Row	INFRINGING DESIGNS	OPULENT'S DESIGNS
28	 <p data-bbox="500 852 644 884">CD213MG</p>	 <p data-bbox="938 856 1187 888">(Upper leaf design)</p> <p data-bbox="1230 856 1409 888">(Base design)</p>
29	 <p data-bbox="280 1682 867 1751">CD211TR, CD211TG, CD211TS, CD211TC, CD211TW</p>	 <p data-bbox="1101 1314 1295 1346">(Upper design)</p> <p data-bbox="1110 1864 1286 1896">(Base design)</p>

Row	INFRINGING DESIGNS	OPULENT'S DESIGNS
30	 <p data-bbox="438 1060 706 1102">CD209JG, CD209JS</p>	   <p data-bbox="925 1197 1412 1239">(Candleholder design) (Base design)</p>
31	 <p data-bbox="235 1806 909 1879">CH100TB, CH100TS, CH100TCW, CH100TCPW, CH101TCPW</p>	

Row	INFRINGING DESIGNS	OPULENT'S DESIGNS
32	 <p>CH107TW, CH113TB, CH113TPK, CH113TW, CH113TLA</p>	 
33	 <p>ST006VG, ST006VR, ST006VS, ST006VW</p>	
34		

